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Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-B204
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation: CC Docket Nos. 93-193, 94-65.

Dear Ms. Dortch:

On December 11, 2003, David Lawson of Sidley Austin Brown and Wood, LLP, representing AT&T and I met with Deena Shetler and Irshad Abdal-Haqq to discuss its comments and reply comments in the above mentioned dockets. AT&T reiterated its position that the FCC has definitely established that add-back is the only reasonable and correct method of calculating a carrier's sharing and low-end adjustments and that there is no reasonable basis for a rule that would permit carriers to apply add-back when a company has taken a low-end adjustment but not when it has incurred a sharing obligation. In addition, the Commission need not apply its 1995 add-back rule retroactively; these tariff investigations are themselves rulemakings and the Commission is fully authorized to establish a rule "of particular applicability" to these tariffs in these investigations. The Commission suspended **all** of the LEC's tariffs (those that applied add-back and those that did not), precisely because its stated purpose in these proceedings was to consider and adopt a consistent rule to be applied to all tariffs. Clearly, that rule should be an across-the-board application of add-back consistent with its later finding the separate 1995 rulemaking.

The positions expressed by AT&T were consistent with those expressed in their previous filings in the above referenced proceedings.

Consistent with the Commission rules, I am filing one electronic copy of this notice and request that you place it in the record of the proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick H. Merrick".

cc: Deena Shetler
Irshad Abdal-Haqq